

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

AARON HICKS,

Defendant.

15-CR-33-A
ORDER

Upon consideration of the oral motion by the Defendant's counsel, Robert Ross Fogg, Esq., and given the established relationship between the Defendant and Mr. Fogg, the Court finds that, "in the interest of justice, judicial economy, [and] continuity of representation," it is appropriate to appoint Mr. Fogg to the Western District of New York's Criminal Justice Act (CJA) Panel *pro hac vice*, pursuant to CJA Guideline § 210.30.30.

The Court also finds that it is appropriate to appoint Mr. Fogg to represent the Defendant, under the CJA, for the remainder of this case. The circumstances surrounding Mr. Fogg's motion are "sufficiently unusual and extenuating as to justify [such] relief." *United States v. Herbawi*, 913 F. Supp. 170, 172 (W.D.N.Y. 1996). See 18 U.S.C. § 3006A(c). Specifically, the necessity of a retrial on a substantial part of the superseding indictment was likely not a circumstance within the parties' reasonable contemplation at the time Mr. Fogg was retained. Thus, the Court finds that Mr. Fogg's application is made in good faith and is not an attempt to circumvent the requirements of the CJA.

SO ORDERED.

Dated: February 15, 2018
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE